APPENDIX.

UNITED STATES CONSTITUTION

Fifth Amendment

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

UNITED STATES CONSTITUTION

Sixth Amendment

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

UNITED STATES CONSTITUTION

Fourteenth Amendment

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law

which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

UNITED STATES CODE

Title 28

28 U.S.C. §1257 (1964), 62 Stat. 929 (1949)

§1257. State courts; appeal; certiorari

Final judgments or decrees rendered by the highest court of a state in which a decision could be had, may be reviewed by the Supreme Court as follows:

(1) By appeal, where is drawn in question the validity of a treaty or statute of the United States and the decision is against its validity.

(2) By appeal, where is drawn in question the validity of a statute of any state on the ground of its being repugnant to the Constitution, treaties or laws of the United States, and the decision is in favor of its validity.

(3) By writ of certiorari, where the validity of a treaty or statute of the United States is drawn in question or where the validity of a State statute is drawn in question on the ground of its being repugnant to the Constitution, treaties or laws of the United States, or where any title, right, privilege or immunity is specially set up or claimed under the Constitution, treaties or statutes of, or commission held or authority exercised under, the United States.

28 U.S.C. §2111 (1964), 63 Stat. 105 (1949)

On the hearing of any appeal or writ of certiorari in any case, the court shall give judgment after an examination of the record without regard to errors or defects which do not affect the substantial rights of the parties.

CALIFORNIA CONSTITUTION

Article I, §13.

§13. Criminal cases; speedy and public trial; process for witnesses; appearance and defense; counsel; double jeopardy; self-incrimination; due process; failure to explain or deny; depositions.

In criminal prosecutions, in any court whatever, the party accused shall have the right to a speedy and public trial; to have the process of the court to compel the attendance of witnesses in his behalf, and to appear and defend, in person and with counsel. No person shall be twice put in jeopardy for the same offense; nor be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property without due process of law; but in any criminal case, whether the defendant testifies or not, his failure to explain or to deny by his testimony any evidence or facts in the case against him may be commented upon by the court and by counsel, and may be considered by the court or the jury. The Legislature shall have power to provide for the taking, in the presence of the party accused and his counsel, of depositions of witnesses in criminal cases, other than cases of homicide when there is reason to believe that the witness, from inability or other cause, will not attend at the trial. (Amended Nov. 6, 1934.)

Article VI, §4½

Sec. 4½. No judgment shall be set aside, or new trial granted, in any case, on the ground of misdirection of the jury, or of the improper admission or rejection of evidence, or for any error as to any matter of pleading, or for any error as to any matter of procedure, unless, after an examination of the entire cause, including the evidence, the court shall be of the opinion that the error complained of has resulted in a miscarriage of justice. (Add Oct. 10, 1911; amended Nov. 3, 1914.)

CALIFORNIA PENAL CODE

§686. Defendant's rights; speedy and public trial; counsel; production of witnesses; confronting adverse witnesses; Exception.

In a criminal action the defendant is entitled:

1. To a speedy and public trial.

2. To be allowed counsel as in civil actions, or to appear and defend in person and with counsel.

3. To produce witnesses on his behalf and to be confronted with the witnesses against him, in the presence of the court, except that where the charge has been preliminarily examined before a committing magistrate and the testimony taken down by question and answer in the presence of the defendant, who has, either in person or by counsel, cross-examined or had an opportunity to cross-examine the witness; or where the testimony of a witness on the part of the people, who is unable to give security for his appearance, has been taken conditionally in the like manner in the presence of the defendant, who has, either in person or by counsel, cross-examined or had an opportunity to cross-examine

the witness, the deposition of such witness may be read, upon its being satisfactorily shown to the court that he is dead or insane, or can not with due diligence be found within the state; and except also that in the case of offenses hereafter committed the testimony on behalf of the people or the defendant of a witness deceased, insane, out of jurisdiction, or who can not, with due diligence, be found within the state, given on a former trial of the action in the presence of the defendant who has, either in person or by counsel, cross-examined or had an opportunity to cross-examine the witness, may be admitted. (Enacted 1872. As amended Stats. 1911, c. 187, p. 364, §1.)

CALIFORNIA PENAL CODE

§995. Cases in which indictment or information must be set aside.

The indictment or information must be set aside by the court in which the defendant is arraigned, upon his motion, in either of the following cases:

If it be an indictment:

1. Where it is not found, endorsed, and presented as prescribed in this code.

2. That the defendant has been indicated without reasonable or probable cause.

If it be an information:

1. That before the filing thereof the defendant had not been legally committed by a magistrate.

2. That the defendant had been committed without reasonable or probable cause.

[Enacted 1872. As amended Code Am. 1880, c. 118, p. 43, §1; Stats. 1911, c. 256, p. 435, §1; Stats. 1927, c. 854, p. 1756, §1; Stats. 1939, c. 457, p. 1806, §1; Stats. 1949, c. 1311, p. 2298, §1.]

§999a. Writ of prohibition; time for filing petition; grounds; service; time for issuance of alternative writ.

A petition for a writ of prohibition, predicated upon the ground that the indictment was found without reaable or probable cause or that the defendant had been committed on an information without reasonable or probable cause, must be filed in the appellate court within 15 days after a motion made under Section 995 of this code to set aside an indictment on the ground that the defendant has been indicted without reasonable or probable cause or that the defendant had been committed on an information without reasonable or probable cause, has been denied by the trial court. A copy of such petition shall be served upon the district attorney of the county in which the indictment is retained or the information is filed. The alternative writ shall not issue until five days after the service of notice upon the district attorney and until he has had an opportunity to appear before the appellate court and to indicate to the court the particulars in which the evidence is sufficient to sustain the indictment or commitment. [Added, Stats. 1949, c. 1311, p. 229q, §2, as amended Stats. 1953, c. 614, p. 1861, §1.]

CITY OF SAN BERNARDINO, STATE OF CALIFORNIA

No. F 8754

THE PEOPLE OF THE STATE OF CALIFORNIA VS.

LUCILLE MARIE MILLER

DEPUTY DISTRICT ATTORNEY FOR PEOPLE

ATTORNEY FOR DEFENDANT

REPORTER

$

BAIL (CASH OR BOND) POSTED, DATE BY

DISPOSITION OF BAIL DATE

MUNICIPAL COURT SAN BERNARDINO COUNTY CALIFORNIA SAN BERNARDINO JUDICIAL DISTRICT

DATE	
10-13-64	COMPLAINT FILED, Sworn to by WILLIAM PATERSON, Charging defendant with having on October 8, 1964, 19 , at and in the County of San Bernardino, State of California committed a FELONY, to-wit: Murder (PC 187) Warrant of arrest issued and given to No. Bail Warrant issued to SO for service. Bail fixed at $ No. Bail
10-13-64	11:00 A.M. DDA Turner for People, Atty Edward Foley of Holcomb Kassel & Ward with Deft. Atty states deft will not waive the informing of right. ~~Rmk~~ Deft arr and prel hear set for 10-23-64 at 9:15 AM. The deft's motion to admit deft to bail is denied. Atty Foley for the deft served Notice to the Dist Attorney and Asst DA Turner in open Court. Atty Foley serves notice to the Sheriff on Sheriff Bland in Open Court and gives copies to Court. JBL
10-21-64	Dismissal filed. Deft. indicted by Grand Jury on 10/20/64 for same offense.

I, RUDOLPH L. CORONA, Clerk and Administrative Officer of the Municipal Court, San Bernardino Judicial District, County of San Bernardino, State of California, hereby certify the foregoing instrument to be a full, true and correct copy of the original now on file in my office.

Dated October 16 1967

RUDOLPH L. CORONA, Clerk

By [illegible] Deputy

ORIGINAL

IN THE MUNICIPAL COURT OF SAN BERNARDINO JUDICIAL DISTRICT
COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. LUCILLE MARIE MILLER, Defendant.

Complaint No. [illegible]

Bail $ No Bail
Want to 46

STATE OF CALIFORNIA, COUNTY OF SAN BERNARDINO, ss.

On the 13th day of October, 19 64, in the County of San Bernardino, State of California, personally appeared before me William Paterson who, being duly sworn, under oath complains and accuses LUCILLE MARIE MILLER

of the crime of MURDER (P.C. 187)

a felony committed as follows:

That said LUCILLE MARIE MILLER

on or about the 8th day of October, 19 64, ~~in San Bernardino Judicial District~~, in the County of San Bernardino, State of California, did unlawfully murder Gordon Eugene Miller, a human being.

FILED
OCT 13 1964
SUPERIOR AND MUNICIPAL COURTS
SAN BERNARDINO COUNTY, CALIFORNIA

MUNICIPAL COURT
SAN BERNARDINO COUNTY
EUREKA
SAN BERNARDINO JUDICIAL DISTRICT

I, RUDOLPH L. CORONA, Clerk and Administrative Officer of the Municipal Court, San Bernardino Judicial District, County of San Bernardino, State of California, hereby certify the foregoing instrument to be a full, true and correct copy of the original now on file in my office.

Dated October 18 1967

RUDOLPH L. CORONA, Clerk

By [signature] Deputy

Said complainant therefore prays that warrant may be issued for the arrest of said defendant... and that ....he.... may be dealt with according to law.

William Paterson

Subscribed and sworn to before me this 13th day of October, 19 64

DAT:eb

J. B. LAWRENCE
Judge of the Municipal Court of San Bernardino Judicial District County of San Bernardino, State of California.

J. R. TRUSLER.
Clerk of the Municipal Court of San Bernardino Judicial District County of San Bernardino, State of California.

By Peggy Trusler, Deputy

PA 1432—10M—12-59 SBMC

MUNICIPAL COURT OF SAN BERNARDINO JUDICIAL DISTRICT

F 8754

HON. J. B. LAWRENCE, JUDGE VIVIAN G. JONES COURT CLERK;

AND THE FOLLOWING PROCEEDINGS WERE HAD:

F. 8754 PEOPLE vs. LUCILLE MARIE MILLER

CHARGE: MURDER (P.C. 187)

Defendant is present in court

Defendant gives true name as charged

Defendant duly arraigned and informed of all legal rights

~~Attorney and defendant duly waives arraignment and informing of legal rights~~

Defendant will hire Attorney ~~Court appoints Attorney~~

Preliminary hearing set for 10/23/64 @ 9 AM

(VS) (Cont'd

The defendant's Motion to admit to bail is denied.

I CERTIFY THAT THE FOREGOING MINUTES ARE CORRECT

AND WERE ENTERED ON ..... DAY OF OCT 13 1964, 19.....

Court Clerk

DIVISION B DATE:

I, RUDOLPH L. CORONA, Clerk and Administrative Officer of the Municipal Court, San Bernardino Judicial District, County of San Bernardino, State of California, hereby certify the foregoing instrument to be a full, true and correct copy of the original now on file in my office.

Dated October 15 1967

RUDOLPH L. CORONA, Clerk

By Deputy

MUNICIPAL COURT SAN BERNARDINO COUNTY EUREKA SAN BERNARDINO JUDICIAL DISTRICT

Attorney's Stationery Supply Co. — L 08 — 1675 — 193

MUNICIPAL COURT OF SAN BERNARDINO JUDICIAL DISTRICT

F 8754 F 8754

Peo. Vs. LUCILLE MARIE MILLER

Charge: MURDER (P.C. 187)

DIV. B CONVENED AT 11:10 A M:

HON. J. B. LAWRENCE JUDGE; A. SPIOTTO COURT CLERK

DEP. DIST ATTY. Don Turner ; DEFENDANT with 1

COURT REPORTER —— ; King BAILIFF

THE FOLLOWING PROCEEDINGS WERE HAD:

On motion DDA Turner case dismissed in view fact deft indicted by Grand Jury. Release Issued

I CERTIFY THAT THE FOREGOING MINUTES ARE CORRECT

AND WERE ENTERED ON 21 DAY OF October 1964

A. Spiotto

Court Clerk

Page 1 of 1 pages. DIVISION B DATE: OCT 21 1964

MUNICIPAL COURT SAN BERNARDINO COUNTY EUREKA SAN BERNARDINO JUDICIAL DISTRICT

I, RUDOLPH L. CORONA, Clerk and Administrative Officer of the Municipal Court, San Bernardino Judicial District, County of San Bernardino, State of California, hereby certify the foregoing instrument to be a full, true and correct copy of the original now on file in my office.

Dated October 18 1967

RUDOLPH L. CORONA, Clerk

By [illegible] Deputy